

UDC 343

*András Rucska**National University of Public Service Faculty of Law Enforcement**Endre Nyitrai**National University of Public Service Faculty of Law Enforcement*

## **RULES GOVERNING THE MOVEMENT OF FOREIGN CITIZENS ACROSS BORDERS DURING THE FIRST WAVE OF CORONAVIRUS PANDEMIC**

On 11 March, 2020, the Government of Hungary declared state of danger in the entire territory of Hungary for the elimination of the consequences of the human epidemic endangering life and property and causing massive disease outbreaks, and for the protection of health and lives of Hungarian citizens. The Decree entered into force on the day of its promulgation at 0300 PM.

For the duration of the Decree 40/2020 (11 March) on state of danger in force, the Government appointed the Prime Minister to act as the authorised member of the Government in charge responsible for the elimination of the state of danger. The Prime Minister was assisted by the Operative Corps Responsible for the Containment of Coronavirus Epidemic in the course of his operations.

According to Government Decree 81/2020 (1 April) on extraordinary measures relating to the state of danger declared for the protection of health and

---

© *András Rucska- Endre Nyitrai, 2020*

© *Національний університет «Острозька академія», 2020*

<sup>1</sup> Alfred Rolington: Stratégiai hírszerzés a XXI. században: A mozaikmódszer (Strategic Intelligence for the 21st Century: The Mosaic Method), Antal József Tudásközpont, 2015. p. 9.

- 
- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.*

lives and for the restoration of economy, general rules of personal traffic have entered into force regarding the crossing of the border, of which I shall present those related to the crossing of the border by foreign citizens entering Hungary from abroad.

According to Section 2 of the Decree<sup>2</sup> regarding the citizens of the neighbouring countries, access to the territory of Hungary shall be denied to persons other than Hungarian citizens arriving from abroad by personal traffic, with the exceptions specified in Section 4 (1), (2) and (5), and Section 4/A. The range of such exceptions continuously broadened as the state of danger extended, and various reductive measures were approved as the result of the decline of the epidemic.

**The exceptions:**

- upon the agreement concluded for commuting purposes in accordance with the rules set forth in the decision of the National Chief of Police<sup>3</sup>
- upon agreements concluded with neighbouring countries for humanitarian transit traffic for nationals determined thereto in accordance with the rules set forth in the decision of the National Chief of Police<sup>4</sup> in order to secure immediate transit traffic of the specified routs,
- travelling between related undertakings of business purpose in case the foreign person has arrived from the territory of the Check Republic, the Republic of Poland, the Republic of Korea, the Federal Republic of Germany, the Republic of Austria, the Republic of Slovakia or Japan, in case the person

<sup>2</sup> In the Announcement published in the issue No. 17/2020 of the Official Bulletin

<sup>3</sup> In the Announcement published in the issue No. 17/2020 of the Official Bulletin

<sup>4</sup> Section 4/A (2)-(3) of Government Decree 81/2020

■ András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.

is the citizen of the given country and if the business purpose of travelling is rendered very similar<sup>5</sup>;

- in accordance with the rules set forth in the decision of the National Chief of Police<sup>6</sup> for persons arriving from neighbouring countries of their nationality and for Hungarian citizens not having a domicile in Hungary, for the purpose of satisfying the labour requirements of the agricultural sector<sup>7</sup>;

- in cases deserving special consideration the deputy of the National Chief of Police may grant exemption or may establish individual rules of behaviour if the results of health screening show no suspicion of COVID-19 infection, and the person concerned has been registered for the duration of his placement in a designated quarantine facility or official home quarantine<sup>8</sup>;

- for Serbian citizens arriving from the territory of the Republic of Serbia<sup>9</sup> (These persons must be notified that if, within 14 days accounted from entering he experiences the symptoms of COVID-19 infection, he must not leave his domicile, place of residence or accommodation, and furthermore, he must notify the epidemiological authority by phone without any delay.);

- for Slovenian citizens arriving from the territory of the Republic of Slovenia<sup>10</sup> (They must be notified that if, within 14 days accounted from entering he experiences the symptoms of COVID-19 infection, he must not leave his domicile, place of residence or accommodation, and furthermore, he must notify the epidemiological authority by phone without any delay.);

- the entering Bulgarian citizen, if, when crossing the border he substantiates in credible way – especially by presenting a letter of invitation,

<sup>5</sup> In the Announcement published in the issue No. 24/2020 of the Official Bulletin

<sup>6</sup> Section 4/B of Government Decree 81/2020

<sup>7</sup> Section 4 (1) of Government Decree 81/2020

<sup>8</sup> Section 2 (1) of Government Decree 226/2020 (25 May) (entering into force on 25 May, 2020 at 1000 PM)

<sup>9</sup> Section 2 (1) of Government Decree 226/2020 (25 May) (entering into force on 25 May, 2020 at 1000 PM)

<sup>10</sup> Section 2 (1) of Government Decree 243/2020 (28 May) (entering into force on 28 May, 2020 at 0300 PM)

- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.

an official passport or an employment contract – that the purpose of his stay in Hungary is performing official duty, participation in the activities of an international organisation, business purpose, humanitarian activity or visiting a relative<sup>11</sup>;

- the entering Czech citizen<sup>12</sup>;
- the entering German citizen<sup>13</sup>;
- the entering Austrian citizen<sup>14</sup>; (*entered into force on 7 June, 2020 at 0800 PM*)
- the entering Slovakian citizen<sup>15</sup>; (*entered into force on 7 June, 2020 at 0800 PM*)
- the entering Croatian citizen<sup>16</sup>; (*entered into force on 12 June, 2020 at 0800 PM*)
- the entering Romanian citizen<sup>17</sup>; (*entered into force on 17 June, 2020*)

**Further cases of entry by persons other than Hungarian citizens in personal traffic:**

- Family member of a Hungarian citizen other than Hungarian citizen; if the family member of a Hungarian citizen other than Hungarian citizen does have a right of residency to the territory of Hungary and he verifies such right with a residence permit, he may be granted permission to enter. However, the validity period of the residence document must be

<sup>11</sup> Section 2 of a Government Decree 251/2020 (29 May) (entering into force on 30 May, 2020)

<sup>12</sup> Section 2 a) of Government Decree 263/2020 (6 June) (entering into force on 7 June, 2020 at 0800 PM)

<sup>13</sup> Section 2 b) of Government Decree 263/2020 (6 June) (entering into force on 7 June, 2020 at 0800 PM)

<sup>14</sup> Section 2 c) of Government Decree 263/2020 (6 June)

<sup>15</sup> Section 2 d) of Government Decree 263/2020 (6 June)

<sup>16</sup> Section 2 e) of Government Decree 263/2020 (6 June)

<sup>17</sup> Section 2 f) of Government Decree 263/2020 (6 June)

■ András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.*

checked at the Client Service of the National Directorate General for Aliens Policing (OIF). In case the person does not have a permit allowing his stay in Hungary, but, according to his statement the person is the spouse of a Hungarian citizen and their marriage has been duly registered in Hungary, the person may enter the country upon checking the registry.

- Third country nationals with residence permit to the territory of Hungary may enter the country under the conditions that they have an immigration permit, permanent residence permit, national permanent residence permit or EU permanent residence permit issued by Hungary, or they have a permanent domicile in Hungary verified by valid documents (documents certifying the status of permanent residency, ID card and official certificate of domicile); or has a refugee status or status of subsidiary protection acknowledged by Hungary and it is certified by documents issued by the competent Hungarian authority (ID card and official certificate of domicile and travel documents for refugees / persons under subsidiary protection). Validity of the documents must be checked at through the Client Service of OIF in the course of the entry. In case the documents verifying the status are not at the applicant's disposal but his identity is clarified and the registry check verifies his status or Hungarian residence, the person may be granted entry.

- Persons granted privilege and immunity under international law; Those granted privilege and immunity Vienna Convention on Diplomatic Relations and bilateral consulate agreements, furthermore, other agreement concluded with recipient countries must be taken under local health screening, and, in the lack of any suspicion of COVID-19 infection must be granted

- 
- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.*

entry without any further restrictions, with regards to the immunity. However, in case of suspicion of COVID-19 infection the person must be taken to quarantine, if refused, he may decide not to enter the territory of Hungary. Since legal regulations governing epidemic state of danger does not specify any special provisions on diplomats, therefore, provisions of Article 40 of statutory provision 22 of 1965 on diplomatic affairs shall prevail, provided that the person of diplomatic immunity also his family members must be granted free movement. Therefore, quarantine shall not be ordered, unless COVID infection is suspected. Even in case infection is suspected the authority shall not force the immune diplomat to waive his right to free movement, it shall remain his call or he may decide not to enter Hungary.

- Entry of the member of foreign law enforcement forces to Hungary; Provided to secure fulfilment of Hungary's European Union related and other international obligations the entry and transit of the members of foreign law enforcement forces into Hungary must be secured. With this regard, the deputy of the National Police Chief of Law Enforcement shall furnish the members of foreign law enforcement corps with a certificate of allowance to transfer their arms across the state border, moreover, if not for firing weapons, a titled memo approved by the deputy shall have the same force. We must take note, that the previous rules shall apply for the entry of the members of foreign law enforcement bodies of neighbouring countries who perform their daily duties in Hungarian territory upon bilateral agreements (especially at joint post of duty, in the course of joint border patrol pursued in the territory of Hungary).

- Entry of persons for the purpose of taking final exams; Person arriving to take their final exams may enter into Hungarian territory under the

- 
- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arocp.pdf>.

following conditions. They are entitled to enter on the day of the final exam, more exactly, 2 days before or after the day of the exam. In the course of entry, they must have a valid travel document and a notification / invitation to the final exam (the latter may also be presented on a mobile phone), or a student's ID. They may be exempted from the restrictions of official home quarantine even without a leniency application. One person is allowed to escort each applicant.

- Entry of college students other Hungarian citizens arriving from abroad; Above the general conditions of crossing the border a standard form of school attendance certificate issued, stamped and signed by the recipient institution shall be required from the students in order to enter the country to fulfil their study or exam obligations, under further condition that those who are not suspected to be infected with COVID-19 according to the health screening are obliged to undertake a 14 day epidemiologic screening at the place of their domicile or residence. If the standard form is provided, student do not need to file a separate leniency application to the deputy of the National Police Chief of Law Enforcement.

### Summary

Partially, as a result of the above regulative measures Hungary has managed to escape high epidemic rates. However, besides governmental instruments the law-abiding approach of the citizens and right-on-time operative measures had a great role in reaching such results. Decreasing epidemic crisis in the neighbouring countries allowed the reopening of physical boundaries between the countries of the European Union, so medical screening and control of the arriving persons could be lightened as well. Moreover, the virus did not

- 
- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.

pass without a trace, thus we are already equipped with a well-tuned protocol for similar occasions.

### ***BYBLIOGRAPHY***

Government Decree 40/2020 (11 March) on the declaration of state of danger

Government Decree 81/2020 (1 April) on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of economy

Government Decree 226/2020 (25 May) on crossing the border from the Republic of Serbia

Government Decree 243/2020 (28 May) on crossing the border from the Republic of Slovenia

Government Decree 251/2020 (29 May) on crossing the border from the Republic of Bulgaria

Government Decree 263/2020. (6 June) on specific rules of crossing the border

Government Decree 264/2020 (11 June) on the modification of Government Decree 263/2020 (6 June) on specific rules of crossing the border

Government Decree 281/2020 (16 June) on the modification of Government Decree 263/2020 (6 June) on specific rules of crossing the border

- 
- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arrocp.pdf>.*



Announcement published in issue No. 17/2020 of the Official Bulletin on the rules of crossing of the border, residing within the territory of and passage through Hungary, routs, stopping possibilities and special transportation relating to humanitarian transit traffic for neighbouring country nationals and in the course transit passage for humanitarian purpose

Announcement published in issue No. 24/2020 of the Official Bulletin on the rules of crossing of the border, residing within the territory of Hungary and workplace quarantine for neighbouring citizens and for Hungarian citizens not having a domicile in Hungary, for the purpose of satisfying the labour requirements of the agricultural industry (TEÁOR and CPA 01, 02 and 03)

### **Abstract**

In relation to and in order to restraint the spread of pandemic called coronavirus countries approved different preventive measures. Besides their own internal regulatory measures (curfews, mandatory obligation to wear a face mask, etc.) almost all countries granted priority to establish regulative restrictions so possibly the least number of persons, only with goods grounds and passing medical examinations / upon certain precautions may enter their borders, especially from those arriving from increasingly infected territories. Next, I would like to present the rules governing the movement of foreign nationals crossing the state lines of Hungary in the state of danger.

**Key words:** corona virus, state of danger, quarantine, crossing state borders, border control.

- 
- András Rucska- Endre Nyitrai. Rules Governing the Movement of Foreign Citizens Accross Borders During the First Wave of Coronavirus Pandemic. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20arroc.pdf>.